

II. REMARKS

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 has been amended to delete the language that the Examiner found to be indefinite. It is therefore submitted that it now conforms to 35 U.S.C. 112, second paragraph.

Claims 1, 2, 12 and 15 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Lucent Technologies.

It is respectfully submitted that the Examiner's arguments are somewhat difficult to understand. She refers to "(first DATA | D1 in 603)" and "(second DATA | D1 in 603)" at the middle of page 3 in the Office Action. If this is correct and in accordance with what the Examiner also actually meant to say, it means that in the first burst (603) of Fig. 6 she considers the first occurrence of "DATA | D1" to contain information symbols of different kind than the subsequent occurrence of the very same expression. This cannot be a valid argument, because all data symbols that constitute "DATA | D1" must invariably (or at least in the complete absence of anything suggesting otherwise) be similar data symbols from a common source. The symbols going to the latter "DATA | D1" field cannot become "information symbols of the second kind" simply because they go to a different field of a burst than those going to the first "DATA | D1" field.

One possibility is that the Examiner meant to say "(second DATA | D2 in 604)". However, also this results in an invalid rejection, because the "DATA | D2" field is located in a different burst than the "DATA | D1" field. However, at the bottom of page 4 she says that "a burst in the Lucent reference is a data structure such as 603 or 604" (emphasis added), which would suggest that at least applicant and the Examiner share a common opinion about what is a burst. The same consistent line of thought continues at the top of page 5 in the Office Action.

One must thus deduce that as impossible as it seems, the Examiner considers the first and second occurrences of "DATA | D1" in Lucent's Fig. 6 to be different to an extent that qualifies as describing them as "data symbols of a first kind" and "data symbols of a second kind".

It is respectfully submitted that the Examiner is simply mistaken and that data symbols cannot become of "first kind" and "second kind" simply because they go to different fields of a burst. If the Examiner's opinion were correct, one would not need anything more complicated than simple, basic GSM literature to show anticipation, because in the very basic GSM burst the training sequence is in the middle and the data symbols are symmetrically on its both sides.

The independent claims recite the first and second kinds of burst signals. Since this is not found in Lucent, the rejection of claims 1, 2, 12 and 15 under 35 U.S.C. 102 of Lucent should be withdrawn.

Further, since there is no suggestion of this feature in Lucent, these claims are unobvious over it.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested or at least an entry for appeal purposes. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Please charge the amount of \$450.00 for a 2 month extension fee to Deposit Account 16-1350. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Henry I. Steckler
Henry I. Steckler
Reg. No. 24,139

July 8, 2005
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to 703-872-9306 the date indicated below, addressed to the Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 7/8/05

Signature: by [Signature]
Person Making Deposit